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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,389	01/04/2002	Robert A. Southworth	647-015.01	7346
7590	06/25/2009		EXAMINER	
Paul R. Katterle Legal Department ABB Inc. 29801 Euclid Avenue Wickliffe, OH 44092-2530			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3689	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte:

ROBERT A. SOUTHWORTH, KENNETH C. VOLZ, ROBERT C.
MORRIS, JR., and DAN S. CARROLL

Application 10/037,389
Technology Center 3600

Mailed: June 25, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENT

Appellants filed Information Disclosure Statements (IDS) dated October 8, 2002 and June 7, 2004. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

APPEAL BRIEF, STATUS OF AMENDMENTS

A review of the file finds that the status of the amendments as provided in the Appeal Brief filed September 6, 2007 under the heading "Status of Amendments" is unclear.

A review of the file finds that an After Final Amendment was filed July 6, 2007. An Advisory Action should have been mailed notifying Appellants that the After Final Amendment was or was not entered. However, the Examiner did not mail the Advisory Action.

Appellants have not provided the necessary statement as to the status of the After Final Amendment filed July, 6, 2007 and the statement regarding the status of the amendment is incorrect. Correction of the record is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider the Information Disclosure Statements filed October 8, 2002 and June 7, 2004 as required;
- 2) provide a response to the Amendment After Final dated July 6, 2007;
- 3) notify Appellants of such consideration; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/cdc

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